

August 22, 2005  
Seven o'clock P.M.  
North Little Rock School District Board Room  
2700 Poplar  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, August 22, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman MARTIN GIPSON was not present. City Clerk DIANE WHITBEY and City Attorney PAUL SUSKIE were also present.

The invocation was given by Alderman Thomas, followed by the pledge of allegiance to the flag which was also led by Alderwoman Robinson.

Alderman MARTIN GIPSON entered the council chambers at 7:02 p.m.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the minutes from a regular council meeting held on August 8, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communications #4 and 6 were accepted and filed (8/0).

4. Robert Voyles, Planning Director memorandum re: Four Annexations to be heard in September (2,000 acres Bay Meadows, Ashley Downs, Wilcox, Meadowlane Acres).

6. Ronnie Colvin, Vice President/General Manager letter re: Federal Communications Commission Form 1240, Updating Maximum Permitted Rates for Regulated Cable Systems and Federal Communications Commission Form 1205, Determining Regulated Equipment and Installation Costs.

Mayor Hays thanked those who voted in the Sale Tax Election last week and distributed Arkansas Travelers team members caps to the council members and elected officials and welcomed the Travelers to North Little Rock in 2007 and noted NLR (North Little Rock) embroidered on the back and future development of the downtown area.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, communication #1 was read, accepted and filed (8/0).

1. Scott Henderson, Director Arkansas Game and Fish Commission letter to Dan O'Byrne, Little Rock Visitors Bureau: B.A.S.S. Legends Tournament Donation of \$20,000.00 to the Little Rock Visitors Bureau for hosting tournament next year.

On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Sharon Tedford, Mayor's Office memorandum re: Private Club & Beer change of Trade Name and Manager (f/n/a) Ultra Shock, 3605 MacArthur to Bogie's by Denise Smith.

Alderman Hight asked Police Chief Danny Bradley if this location was the one discussed previously during a council meeting. Chief Bradley said the Ultra Shock was closed by the S.A.F.E. Team and referred questions to the City Attorney. Mr. Suskie said the final closure was voluntary. The current application is by new owners/operators who used to operate a lounge in the Holiday Inn.

On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, communication #3 was read by title only, accepted and filed (8/0).

3. Bob Rhoads, CPRP Director of Parks and Recreation letter re: Capital needs and additional funding needed for Recreation Centers and for continued development of a City-Wide Trail System.

Alderman Gipson advised the Parks and Recreation Commission is working on their Capital needs budget. Three years ago, three centers were not very active, however, with the increase in programs at all of the

centers, there are lot of new participants. Rose City has a boxing program, Sherman Park has a football program, however, additional funding is needed.

On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, communication #5 was read by title only, accepted and filed (8/0). Mayor Hays and council members congratulated Ms. Whitbey.

5. Susan L. Morrow, MMC, President IIMC, letter re: Diane K. Whitbey, CMC (Certified Municipal Clerk), City Clerk & Collector accepted into the IIMC Master Municipal Clerk Academy.

Mayor Hays asked Mr. Mycah Mellon to come forward and advised Mr. Mellon is a 14 year old student at Ridge Road who recently competed and won a State Track meet where he won first place in the Standing Long Jump, the 100 Meter Dash and the 200 Meter Dash. This made him eligible to compete in the North American Final Meet in Hershey, Pennsylvania where he finished in Fifth Place in the nation with a jump of 8' 7 1/4" and presented him a proclamation. Also present was Renee Henson, Sherman Park Center Director where Mycah practiced.

Mayor Hays invited members of the Glenview Community Center Basketball Team (ages 7-8) to come forward. Mr. Bob Rhoads, Parks and Recreation Director advised the group participated in the Joe Johnson Summer Jam in Little Rock. These youth finished First Place in the competition. Also present were Center Director Katrina Wilbon and the team's coach.

Mayor Hays called O-05-64.  
O-05-64

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 7501 YOUNG ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-4 TO I-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hays asked those who were present regarding this item to either make their comments this date or return on September 12, 2005 when the item will be called. Mr. Sam Hilburn, Attorney at Law asked the council to take the matter to the third reading and either vote for or against the matter at the next meeting. On the motion of Alderman Berry and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading. The ordinance was read a second time. The legislation was then held at the request of the sponsor, Alderman Berry.

Mayor Hays announced the special call this date.

August 19, 2005

Honorable Members of the City Council

Re: Special Council Meeting

Dear Members of the City Council:

This is to advise that we have called a special Council meeting of the North Little Rock City Council for 7:05 p.m. on August 22, 2005, at the Administration Building of the North Little Rock School District, North Little Rock, Arkansas. The following will be on the agenda:

- 1) A RESOLUTION APPROVING THE SALE OF CERTAIN REAL ESTATE BY THE CITY OF NORTH LITTLE ROCK TO S & J PROPERTIES FOR \$217,500.00; AND FOR OTHER PURPOSES.

Sponsored by: Mayor Patrick H. Hays

Respectfully submitted,  
/s/ Mayor Patrick H. Hays

The law requires that each of you be notified of the time, place and subject matter of any specially called Council meeting. This notice does not require any special written formalities or waivers on your behalf, unless you are notified within a 24-hour period prior to the special meeting.

It is requested that each of you sign the cover letter simply to indicate that you have been informed of the nature and time of the meeting. However, please be aware that your signature is not required unless a period of less than 24 hours remains before the designated time for the meeting and you have not previously received notice.

This will evidence that I have received this notice of a special Council meeting for 7:05 p.m., Monday, August 22, 2005, at the Administration Building of the North Little Rock School District, North Little Rock, and waive time of service.

/s/ Martin Gipson  
MARTIN GIPSON

/s/ Gary Berry  
GARY BERRY

/s/ Neil Bryant  
NEIL BRYANT

/s/ John Parker  
JOHN PARKER

/s/ Olen Thomas  
OLEN THOMAS

/s/ Murry Witcher  
MURRY WITCHER

/s/ Linda Robinson  
LINDA ROBINSON

/s/ Charlie Hight  
CHARLIE HIGHT

Special Call #1 (RESOLUTION NO. 6812 - MAYOR HAYS)

A RESOLUTION APPROVING THE SALE OF CERTAIN REAL ESTATE BY THE CITY OF NORTH LITTLE ROCK TO S & J PROPERTIES FOR \$217,500.00; AND FOR OTHER PURPOSES, was read.

Mayor Hays advised the property was appraised and Mr. Sam Perroni and Mr. John Joyce have offered that amount for the property. Mr. Joyce is one of the partners in the development. Mayor Hays said the downtown Police Substation will be temporarily relocated in or near the Ballpark. Mr. Joyce said Mr. Perroni would relocate his Law Office at this location on the first level along with a Deli. The upper levels would include Condominiums. The development in two phases which also included two parks which would be open for public use during the day. Phase II would include more office or retail space at ground level. The back elevation would mirror the front. An awning would go along the South side. Mr. Joe Smith, Purchasing Director advised the lot referred to a "C" (located at 6<sup>th</sup> and Main) would be sold at a later date. If the development does not develop Phase II, the property would be returned to the City. The attachment also illustrates a parking area in the back, which the city will develop. On the motion of Alderman Berry and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Hays invited Mr. Jeff Corder, L S Power to come forward. Mr. Corder provided a power-point presentation regarding the Plum Point Coal Fired Generating Project near Osceola. L S Power has developed nine power plants during the 1990's. Locations require access to water, fuel and railroads for coal plants. Efforts are focused on green-built projects. In 2001, they sifted their focus from gas fueled plants to coal fueled plants. During the past five years, they have acquired all required permits for the project. Building the project will take approximately four years. Mayor Hays advised the council will decide sometime between October 1 and November 30 if the city will participate in this project. The project would be on-line by early 2010. Mr. Joe Gertsch, Acting Director, North Little Rock Electric Department reviewed power production at the Murray Hydro Electric Plant and advised silt has caused problems this year along with maintenance issues. The power needed, risk and costs have to be considered. Alderman Berry asked about blackouts. Currently, the city pays approximately \$39.00 per kilowatt hour. Mr. Corder said the market price for natural gas is in the \$60.00 range. The city operates under an Open Access Same-time Information System (OASIS) with Entergy which Mr. Gertsch explained.

Mayor Hays invited Mr. Jon Swanson, Executive Director of MEMS to come forward. Mr. Swanson presented their annual report in a power-point presentation to the council. MEMS is a publicly owned, non-profit entity. Mr. Swanson introduced Board Member Mr. Harrison Dean who was present and Mrs. Delois Sykes (who was not present). Statistics regarding response type and times were reviewed from January 2004 through July 2005. January 1, 2005, four ambulances were dedicated in the City of North

Little Rock allowing stations throughout the city. Additional units were also made available to North Little Rock being part of an Integrated System. Financially, and after inflationary adjustments, MEMS has absorbed loss of revenue resulting in Medicare adjustments. Expenses were slightly higher. MEMS continues to operate in the black. MEMS now serves five counties in Central Arkansas. MEMS now trains its own employees which has been very successful and received National recognition. Onboard black boxes have continued to be essential in driver safety. MEMS now utilizes walk-about tablets for electronic patient reports. When the unit is docked in the ambulance, it is connected to a mapping program including GPS. This will improve response times. The Interlocal Agreement will be due in 2006. Mayor Hays will bring that before the council prior to expiration of the current agreement.

Mayor Hays recessed the meeting at 8:30 p.m. The meeting was reconvened at 8:35 p.m.

#### **OLD/UNFINISHED BUSINESS**

R-05-106 (RESOLUTION NO. 6813 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE WITH THE CITY OF MAUMELLE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (78/0).

Mayor Hays called R-05-124 since it is related to the previous legislation.

R-05-124 (RESOLUTION NO. 6814 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AGREEMENTS FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE WITH THE SYLVAN HILLS, EAST PULASKI, SHERWOOD, RUNYAN ACRES, McALMONT, GRAVEL RIDGE AND OAK GROVE FIRE DEPARTMENTS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0). Alderman Gipson asked why Scott was not included. Fire Chief Joe McCall said there may be one on file.

O-05-50

AN ORDINANCE AMENDING ARTICLE V. (PLUMBING AND GAS) OF THE NORTH LITTLE ROCK MUNICIPAL CODE BY ADDING SECTION 18-373; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was read a second time and held at the request of the sponsor, Mayor Hays.

O-05-51

AN ORDINANCE VACATING AND ABANDONING A PORTION OF SUMMERS AVENUE IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was read a second time and held at the request of the sponsor, Mayor Hays.

O-05-54

AN ORDINANCE ALLOWING A SPECIAL USE FOR STORAGE OF HARDWOOD LUMBER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF CLOVER STREET AND GRIBBLE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on July 25, 2005, was called and withdrawn by the sponsor Alderman Thomas.

#### **NEW BUSINESS**

R-05-113 (RESOLUTION NO. 6815 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH UAMS FOR EMPLOYEE HEALTH AND WELLNESS SERVICES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Berry and seconded by Alderman Gipson. Mayor Hays introduced Nurse Practitioner Debbie Velez to the council. She has been

at the Argenta Wellness Clinic for five years. She introduced Ms. Gail Eddleman, is an Administrator for UAMS. Mr. Bob Sisson, Finance Director advised the clinic provides yearly physicals, flu shots and more to City Employees. Council members are included in the program. Mayor Hays said the clinic is open to the public. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-114 (RESOLUTION NO. 6816 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A NEW MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS A.F.L.-C.I.O, LOCAL NO. 35; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-115 (RESOLUTION NO. 6817 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A STATEMENT OF AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE FRATERNAL ORDER OF POLICE LODGE NO. 5; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-116 (RESOLUTION NO. 6818 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A STATEMENT OF AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE NORTH LITTLE ROCK POLICE DEPARTMENT SUPERVISORS ASSOCIATION (SA); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-117 (RESOLUTION NO. 6819 - MAYOR HAYS AND ALDERMAN GIPSON)

A RESOLUTION APPROVING A 1% SALARY INCREASE TO CERTAIN FULL TIME SALARIED EMPLOYEES (EXCLUDING ELECTED OFFICIALS) OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-118 (RESOLUTION NO. 6820 - ALDERMAN GIPSON)

A RESOLUTION APPROVING A 1% SALARY INCREASE FOR ALL FULL TIME ELECTED OFFICIALS OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-119 (RESOLUTION NO. 6821 - MAYOR HAYS)

A RESOLUTION APPROPRIATING FUNDS FOR NORTH LITTLE ROCK DISTRICT COURT JUDGE AND CLERK RETIREMENT SYSTEM; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Gipson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-120 (RESOLUTION NO. 6822 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE EXTENSION OF WASTE WATER UTILITY SERVICES TO CERTAIN PROPERTY AS DESCRIBED HEREIN AND GENERALLY KNOWN AS RIVERVIEW BUSINESS PARK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-121 (RESOLUTION NO. 6823 - ALDERMAN GIPSON AND BRYANT)

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH CO-BAR CONSTRUCTION COMPANY, NORTH LITTLE ROCK, ARKANSAS, FOR STREET, DRAINAGE AND SIDEWALK

IMPROVEMENTS, 35<sup>TH</sup> STREET PHASE 3 - FROM GUM STREET TO 170 FEET EAST OF WILLOW, IN THE AMOUNT OF \$211,359.50, 31<sup>ST</sup> YEAR (2005) CDBG PROGRAM, was read. On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-122 (RESOLUTION NO. 6824 - MAYOR HAYS, ALDERMEN BRYANT, GIPSON AND WITCHER)

A RESOLUTION APPROPRIATING FUNDS FOR THE REPLACEMENT OF THE ROOF AT THE NORTH LITTLE ROCK BOYS AND GIRLS CLUB; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-123 (RESOLUTION NO. 6825 - MAYOR HAYS)

A RESOLUTION APPROVING THE APPROPRIATION OF \$23,089.00 FOR ADDITIONAL ELECTRIC WORK INVOLVED IN THE RENOVATIONS TO LAMAN LIBRARY PLAZA; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-124 (see unfinished business above).

R-05-125 (RESOLUTION NO. 6826 - MAYOR HAYS)

A RESOLUTION APPROVING PARTICIPATION BY THE CITY OF NORTH LITTLE ROCK UNDER THE 2005 ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM FOR CAPITAL IMPROVEMENTS TO THE OLD MILL PARK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-126

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1324 DIVISION IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, and held at the request of the sponsor, Mayor Hays (owner G P Family Trust).

R-05-127

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1624 W. 16<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, and held at the request of the sponsor, Mayor Hays (owner Keith and Debbie Waggoner).

R-05-128

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 409 W. 34<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND

CONDEMNING SAID STRUCTURES PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, and held at the request of the sponsor Mayor Hays (owner Equity Trust Corp).

O-05-57 (ORDINANCE NO. 7734 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR USED AUTO SALES AND A PAWN SHOP IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED 6623 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second

reading (8/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

Mayor Hays recognized Mr. John Riley and Ms. Teresa Burl, North Little Rock School Board Members who were present.

**O-05-58 (ORDINANCE 7735 - ALDERMAN WITCHER)**

AN ORDINANCE ALLOWING A SPECIAL USE FOR A STEALTH POLE DESIGN CELL TOWER IN AN R-5 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT INDIAN HILLS SCHOOL ON INDIAN HILLS DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher and seconded by Alderman Thomas, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The legislation read a third and final time. Mr. Andy Cunningham, Attorney with the lawfirm of Wooten, Fulton and Scarborough represents Verizon Wireless. Verizon has requested a special use to allow a stealth pole cell tower at Indian Hills Elementary School. They have attempted to co-locate on an existing tower, however none were available that would provide coverage for their network in Indian Hills. Alderman Witcher said the pole would be located on the North side of the school building and would build an equipment building which would be similar to existing buildings. Coverage would be approximately 1 to 1 ½ miles. Alderman Hight asked if all of the towers would look like the illustration attached. Alderman Berry asked who would maintain the lights on the tower. Mr. Cunningham said they have agreements regarding the same. Mayor Hays asked how much money the school would receive for these towers. Mr. Riley advised it would be \$800,000.00 for a 25 year period. Alderman Bryant said there are a lot of towers in the city and said he was familiar with the tower in Lakewood. Mr. Cunningham said Dave Mason, Verizon Wireless advised the site in Lakewood would not provide sufficient coverage. Mayor Hays said the city has legislation encouraging businesses to co-locate. Mr. Suskie said the legislation encourages such, and the Planning Commission makes the analysis to determine if an effort has been made. Mr. Voyles said Verizon is a new company to the area and Indian Hills is a difficult area to locate in due to the fact there are no tall buildings in the area. There are 12 towers they have been reviewing. Some of their antennas have already co-located on existing towers. Mr. Cunningham said this tower could have limited co-location possibilities. Alderman Hight asked if 75' was the only height for the tower. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

**O-05-59**

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2204 PARKWAY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderwoman Robinson referred to Section 2 (4) regarding playground requirements. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows: *Section 2 (4) insert after DHS AND NORTH LITTLE ROCK requirements for playground surface and equipment* (8/0). Alderman Gipson asked that such requirements be checked before a business license is issued. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). \*\* Item recalled at end of meeting. Vote on third and final reading and vote on emergency clause expunged (8/0) *see public comment*.

O-05-60 (ORDINANCE NO. 7736 - ALDERMEN BRYANT AND GIPSON)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT RIDGE ROAD CHARTER MIDDLE SCHOOL IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND GRANTING A SPECIAL USE TO ALLOW A CELL TOWER IN AN R-2 ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called.

Alderman Gipson asked to be added as a co-sponsor. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). Mr. Voyles advised the Planning Commission determined this would be a good design for the location at Ridge Road. The height of this pole is 115' and was moved further away from houses in the area. Alderman Gipson said anything over 115' had to go before the Planning Board of Adjustment. Mr. Suskie said the council can give a variance if desired and this would not effect future Board of Adjustment decisions. The ordinance was read one time. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the ordinance was amended as follows:: Section 2. ~~delete outdoor storage of stone by a retail business of construction materials~~ and insert A COMMUNICATIONS TOWER AND RELATED EQUIPMENT (8/0). Alderman Bryant asked who would maintain the property. Mr. Riley said everything inside the tower location would be the responsibility of Verizon and the property outside the location would be the responsibility of the School District. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading as amended (8/0). On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading as amended (8/0). The roll having been called, and all member s present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-05-61 (ORDINANCE NO. 7737 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A SNOW CONE STAND IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4500 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas, and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Gipson said 4500 East Broadway has a business located there. Mr. Voyles advised the snow cone stand would be on vacant property and would be seasonal. On the motion of Alderman Gipson and seconded by Alderman Berry, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-62 (ORDINANCE NO. 7738 - ALDERMAN PARKER)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A TATTOO PARLOR IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2693 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Gipson asked about the location of the business. Alderman Parker said it would be next to the Rudy's Oyster Bar location and the business has been operating at the location for six months. On the motion Alderman Berry and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-63 (ORDINANCE NO. 7739 - ALDERMAN PARKER)



AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, (5200 BLOCK OF DIVISION) FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND GRANTING A SPECIAL USE TO ALLOW A CELL TOWER IN AN R-2 ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderman Parker, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderman Parker, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows:: ~~Section 2: delete outdoor storage of stone by a retail business of construction materials, and insert~~ COMMUNICATIONS TOWER AND RELATED EQUIPMENT (8/0). On the motion of Alderman Berry and seconded by Alderman Parker, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

#### **PUBLIC COMMENTS-----**

Alderwoman Robinson expressed concerns regarding increased rates charged by Comcast Cable. Alderman Parker asked about parking, driveway, egress etc. pertaining to O-05-59 as it was not included in the legislation. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all member present, the vote to adopt on the third and final reading and the vote on the emergency clause were expunged. Mr. Voyles said due to space restrictions, people pull off the street to drop-off and pick-up which would make it difficult to put up a barrier. Alderman Berry suggested one-way in and one-way out. Mr. Voyles said the Subdivision Committee would meet Wednesday and it could be reviewed then. The legislation was then held after the third reading at the request of the sponsor, Alderman Berry. Mr. Bobby Taylor thanked MEMS, the Fire Department and Police Department. The time requirement for the Morgan Portable Building is almost up. Mr. Taylor said if the trains are required to not use their whistle when passing through town, he would like to have his area included, too. Mr. John Riley, North Little Rock School Board member advised the board is working hard to take care of the business of the schools. Mayor Hays thanked the school for allowing the council to meet at the District during City Hall renovations. Mr. James Ard echoed the Mayor's comments regarding the Sales Tax. Mr. Ard thanked Mayor Hays for allowing him the opportunity to speak. Mr. Matthew Richard lives in North Little Rock. He said the emergency clause is being used too much. People in Ward 2 and Ward 3 voted against the Sales Tax issue and it is not fair to the poorer people in the city to have to pay for it. He said he talked to 2 to 3,000 voters, most of whom did not know about the election. Mr. Cunningham thanked the Mayor and Council and the North Little Rock Planning Commission for their help.

There being no further business to come before the Council, and on the motion of Alderman Berry and seconded by Alderman Bryant, and by consent of all members present, the meeting adjourned at 7:58 p.m. (8/0), until the next regular meeting to be held on Monday, September 12, 2005, at seven o'clock p.m. in the North Little Rock School Administration Building Board Room, located at 2700 Poplar, in the Administration Office Board Room, North Little Rock, Arkansas.

Approved: MAYOR PATRICK HENRY HAYS

Attest: DIANE WHITBEY, CITY CLERK